

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

CHARLES DAVID McWHORTER (1)

§  
§  
§  
§  
§  
§  
§  
§

**CASE NO. 6:11-CR-35-JRG**

**ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The Court referred a petition alleging violations of supervised release conditions to United States Magistrate Judge K. Nicole Mitchell at Tyler, Texas, for consideration pursuant to applicable laws and orders of this Court. The Court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings, and all available evidence.

At the close of the December 11, 2018 revocation hearing, Defendant, defense counsel and counsel for the government signed a standard form waiving their right to object to the proposed findings and recommendations contained in the United States Magistrate Judge's Report, consenting to revocation of supervised release and consenting to the imposition of the sentence recommended in the Report. Defendant also waived his right to be present and speak before the District Judge imposes the recommended sentence. Therefore, the Court may act on the Report and Recommendation immediately.

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the Report of the Magistrate Judge is **ADOPTED**. It is therefore


**ORDERED** that Defendant's plea of true to Allegation 3 as set forth in the petition is **ACCEPTED**. Based upon Defendant's plea of true to Allegation 3 in the petition, the Court finds that Defendant violated the conditions of his supervised release. It is further

**ORDERED** that Charles David McWhorter's supervised release is **REVOKED**. Judgment and commitment will be entered separately, in accordance with the Magistrate Judge's recommendations. It is finally

**ORDERED** that Defendant be committed to the custody of the Bureau of Prisons for a term of imprisonment of 12 months and 1 day with no further supervised release. The Court recommends service of sentence at FCI Texarkana.

**So Ordered this**

**Dec 13, 2018**

  
\_\_\_\_\_  
RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE